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11 Attorneys for the
United States of America

13 UNITED STATES DISTRICT COURT
14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
15 SOUTHERN DIVISION

16 UNITED STATES OF AMERICA *ex*
rel. **[UNDER SEAL]**,

17 Plaintiff[s],

18 v.

19 **[UNDER SEAL]**,

20 Defendant[s].
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No. SACV 15-00389 DOC (JCGx)

STIPULATION REGARDING (1)
ELECTION BY THE UNITED STATES
AND THE STATE OF CALIFORNIA TO
DECLINE INTERVENTION AND (2)
UNSEALING OF CASE

**[FILED UNDER SEAL PURSUANT TO
THE FALSE CLAIMS ACT, 31 U.S.C.
§§ 3730(b)(2) AND (3)]**

[LODGED CONCURRENTLY UNDER
SEAL: [PROPOSED] ORDER]

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15 SOUTHERN DIVISION

16 UNITED STATES OF AMERICA and
THE STATE OF CALIFORNIA *ex rel.*
17 JANE DOE,

18 Plaintiff,

19 v.

20 THE ENSIGN GROUP, INC., *et al.*,

21 Defendants.
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1 The United States, the State of California, and the *qui tam* plaintiff Jane Doe (the
2 “Relator”) stipulate as follows:

3 The United States, pursuant to the federal False Claims Act, 31 U.S.C.
4 § 3730(b)(4)(B), and the State of California, pursuant to the California False Claims Act,
5 Cal. Gov’t Code § 12652(a)(3)(B), decline to intervene in the above-captioned action.

6 Although the United States declines to intervene, 31 U.S.C. § 3730(b)(1) permits
7 the “Relator” to maintain this action in the name of the United States, provided,
8 however, that the “action may be dismissed only if the court and the Attorney General
9 give written consent to the dismissal and their reasons for consenting.” *Id.* The
10 California False Claims Act similarly so provides, Cal. Gov’t Code § 12652(c)(1).
11 Notwithstanding the language of 31 U.S.C. § 3730(b)(1), the Ninth Circuit has held that
12 the United States has the right only to a hearing when it objects to a settlement or
13 dismissal of the action. *United States ex rel. Green v. Northrop Corp.*, 59 F.3d 953, 959
14 (9th Cir. 1995); *United States ex rel. Killingsworth v. Northrop Corp.*, 25 F.3d 715, 723-
15 25 (9th Cir. 1994). Accordingly, should either the relator or the defendants propose that
16 this action be dismissed, settled, or otherwise discontinued, the United States and State
17 of California request that the parties notify the United States and the State of California
18 of the same, and that the Court provide the United States and the State of California with
19 an opportunity to be heard before ruling or granting its approval.

20 Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests
21 service of all pleadings filed in this action; the United States also requests that orders
22 issued by the Court in this action be sent to the United States’ counsel. The State of
23 California requests the same. The United States and the State of California reserve their
24 rights to order any deposition transcripts, to intervene in this action at a later date for
25 good cause, and to seek the dismissal of this action or any claims therein. The United
26 States and the States of California also request service of all notices of appeal in this
27 action.

1 Finally, the United States, the State of California, and the Relator stipulate that the
2 Relator's Complaint, this Notice, and the accompanying proposed Order should be
3 unsealed. The United States, the State of California, and the Relator further stipulate that
4 all other papers filed or lodged to date in this action since the filing of the Complaint
5 should remain permanently under seal because such papers were provided by law to the
6 Court alone for the sole purpose of discussing the content and extent of the United
7 States' investigation, and, thereby, evaluating whether the seal and time for making an
8 election to intervene should be extended.

9 A proposed order is lodged concurrently herewith.

10 Respectfully submitted,

11 Dated: April 8, 2020

HIRST LAW GROUP, P.C.

12 */s/ Michael A. Hirst*

13 MICHAEL A. HIRST
Attorneys for Relators

15 Dated: April 8, 2020

16 NICOLA T. HANNA
United States Attorney
17 DAVID M. HARRIS, AUSA
Chief, Civil Division
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20 CHARLES E. CANTER
21 Assistant United States Attorney
Attorneys for the United States of America

22 Dated: April 8, 2020

23 XAVIER BECERRA
Attorney General of the State of California

24 RANDY GLASER
25 Deputy Attorney General
26 California Department of Justice
27 Bureau of Medi-Cal Fraud & Elder Abuse
Attorneys for the State of California

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13 MICHAEL A. HIRST
14 Attorneys for Relators


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27 Bureau of Medi-Cal Fraud & Elder Abuse
Attorneys for the State of California

PROOF OF SERVICE BY E-MAIL

I am over the age of 18 and not a party to the above-captioned action. I am employed by the Office of United States Attorney, Central District of California. My business address is 300 North Los Angeles Street, Suite 7516, Los Angeles, California 90012.

On April 8, 2020, I served the STIPULATION REGARDING (1) ELECTION BY THE UNITED STATES AND THE STATE OF CALIFORNIA TO DECLINE INTERVENTION AND (2) UNSEALING OF CASE on each person or entity named below by e-mail.

Date of e-mailing: April 8, 2020. Place of e-mailing: Los Angeles, California.

Person(s) and/or Entity(s) to whom mailed:

Michael A. Hirst
michael.hirst@hirstlawgroup.com
Hirst Law Group, P.C.
200 B Street, Suite A
Davis, CA 95616

Randy Glaser
randy.glaser@doj.ca.gov
Office of the Attorney General
Bureau of Medi-Cal Fraud & Elder Abuse
1455 Frazee Road, Suite 315
San Diego. CA 92108

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 8, 2020, at Los Angeles, California.



CHARLES E. CANTER